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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,865	08/25/2000	Kent Iverson	CISCP656	5977

7590 11/24/2003

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EXAMINER
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HAN, CLEMENCE S

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 11/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/648,865

Applicant(s)

IVERSON ET AL.

Examiner

Clemence Han

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 10-16 and 22 is/are rejected.
- 7) ☒ Claim(s) 5-9 and 17-21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other:

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1, 11, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Hanley (US Patent 5,884,177). Hanley teaches a controller 230 receiving signal quality information 305 about a plurality of data streams and selecting one of the data stream based on the signal quality information (Column 6 Line 10-11) and forward independently for the controller (Figure 2).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 - 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanley in view of Barany et al. (US Pub 2002/0034166).

In regarding to claim 2, Hanley teaches a controller 230 receiving signal quality information 305 about a plurality of data streams and selecting one of the data stream based on the signal quality information (Column 6 Line 10-11) and forward independently for the controller (Figure 2). Hanley, however, does not teach that the data stream are associated with a call session. Barany teaches the data stream associated with a call session (Figure 4). It would have been obvious to one skilled in the art to modify Hanley to associate the data stream with a call session as taught by Barany in order to provide more reliable communication.

In regarding to claim 3, Barany teaches the data streams associated with a plurality of call sessions ([60]).

In regarding to claim 4, Hanley teaches receiving the signal quality information from a plurality of base transceiver stations 210 in communication with the remote device 220.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hanley in view of Das et al. (US Pub 2001/0036834). Hanley teaches a controller 230 receiving signal quality information 305 about a plurality of data streams and selecting one of the data stream based on the signal quality information (Column 6 Line 10-11) and forward independently for the controller (Figure 2). Hanley, however, does not teach establishing a multicast address for issuing command to a

plurality of base transceiver stations. Das teaches establishing a multicast address for issuing command to a plurality of base transceiver stations (Figure 1). It would have been obvious to one skilled in the art to modify Hanley to establishing a multicast address for issuing command to a plurality of base transceiver stations as taught by Das in order to ensure more reliable communication from the network to the mobile.

6. Claim 14 - 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanley in view of Barany et al..

In regarding to claim 14, Hanley teaches a controller 230 receiving signal quality information 305 about a plurality of data streams and selecting one of the data stream based on the signal quality information (Column 6 Line 10-11) and forward independently for the controller (Figure 2). Hanley, however, does not teach that the data stream are associated with a call session. Barany teaches the data stream associated with a call session (Figure 4). It would have been obvious to one skilled in the art to modify Hanley to associate the data stream with a call session as taught by Barany in order to provide more reliable communication.

In regarding to claim 15, Barany teaches the data streams associated with a plurality of call sessions ([60]).

In regarding to claim 16, Hanley teaches receiving the signal quality information from a plurality of base transceiver stations 210 in communication with the remote device 220.

7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hanley in view of Das et al.. Hanley teaches a controller 230 receiving signal quality information 305 about a plurality of data streams and selecting one of the data stream based on the signal quality information (Column 6 Line 10-11) and forward independently for the controller (Figure 2). Hanley, however, does not teach establishing a multicast address for issuing command to a plurality of base transceiver stations. Das teaches establishing a multicast address for issuing command to a plurality of base transceiver stations (Figure 1). It would have been obvious to one skilled in the art to modify Hanley to establishing a multicast address for issuing command to a plurality of base transceiver stations as taught by Das in order to ensure more reliable communication from the network to the mobile.

***Allowable Subject Matter***

8. Claim 5-9 and 17-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to the radio communication system.

U.S. Patent 5,937,019 to Padovani

U.S. Patent 5,949,773 to Bhalla et al.

U.S. Patent 6,058,107 to Love et al.

U.S. Patent 6,097,954 to Kumar et al.

U.S. Patent 6,230,013 to Wallentin et al.

U.S. Patent 6,519,457 to Jiang et al.

U.S. Pub 2001/0038616 to Fong et al.

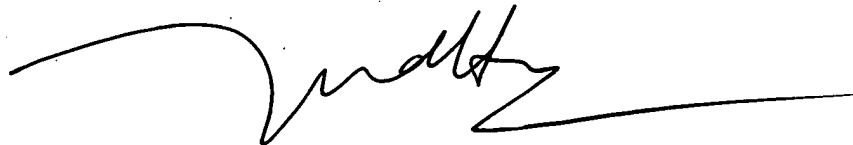
U.S. Pub 2003/0086378 to Chen et al.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is (703) 305-0372. The examiner can normally be reached on Monday-Friday 8 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

*CH*  
Clemence Han  
Examiner  
Art Unit 2665



HUY D. VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600